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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff;

vs.

HENRIQUE ORTOLANI DE SOUZA
REAL,

Defendant.

CASE NO.: 2:17-cr-00001-JAD-CWH

**STIPULATION TO CONTINUE
SENTENCING HEARING
(First Request)**

IT IS HEREBY STIPULATED AND AGREED, by and between PATRICK BURNS, Assistant United States Attorney, and KATHLEEN BLISS, counsel for defendant Henrique Ortolani Dr Souza Real, that the Sentencing Hearing, currently set for October 15, 2018, be VACATED and reset to a time convenient for the Court, but time in February 2019, after sentencing in case *United States v. Real*, 2:16-cr-00331-JCM-NJK, which is scheduled on January 23, 2019, at 10 a.m. (ECF No. 79) before the Honorable District Court Judge James C. Mahan. This stipulation is entered into based upon the following:

1. On July 9, 2018, defendant pleaded guilty (ECF No. 360).
2. Defendant's family resides in Brazil and would like to travel to the United States to support Defendant at sentencing. Family support is key to Defendant's sentencing and a necessary component of the sentencing factors under 18 U.S.C. § 3553, that this Court must consider.
3. The additional time requested for this stipulation is reasonable pursuant to Fed. R. Crim. P. 23(b)(2), which states that the "court may, for good cause, change any time limits

1 prescribed [for sentencing] I this rule. “Furthermore, a delay in sentencing does not
2 implicate or determine the defendant’s speedy trial rights under the United States
3 Constitution. See *Betterman v. Montana*, 136 S. Ct. 1609, 1617-18 (2016).

- 4 4. This is the first request for a continuance of sentencing. The additional time requested
5 herein is not sought for purposes of delay.
6
7 5. Denial of this request for a continuance would deny counsel for Mr. Real sufficient time to
8 effectively and thoroughly prepare for sentencing, taking into account due diligence.
9 Accordingly, a denial of this request for a continuance could result in a miscarriage of
10 justice.

11 DATED: September 28, 2018

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14 /s/ John Patrick Burns
15 Patrick Burns Esq.
16 Assistant United States Attorney

/s/ Kathleen Bliss
Kathleen Bliss, Esq.
Counsel for Defendant

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ORDER

Based upon the stipulation of the parties, and good appearing, it is hereby ORDERED that Mr. Real's sentencing hearing currently set for October 15, 2018, be, and the same hereby is, VACATED.

IT IS FURTHER ORDERED that the sentencing hearing is reset for February 11, 2019, at the hour of 9:00 a.m. in LV courtroom 6D.

DATED: 10/1/2018


JUDGE JENNIFER A. DORSEY
U.S. DISTRICT COURT JUDGE